INVESTIGATIVE NARRATIVE
DEPUTY INVOLVED HIT SHOOTING
IAB SH 2136291
URN: 005-00145-0572-013

On Tuesday, January 4, 2005, at about 1530 hours, Sergeants Elier Morejon and Gregory Key and Lieutenant Ben Seno of the Internal Affairs Bureau responded to [redacted] Darlington Street, South San Gabriel, regarding a Deputy Involved Hit Shooting involving Temple Station personnel.

Lieutenant Albert Grotefend, and Sergeants Sandra Nava, William Marsh and Alec Mac Arthur and Investigators Joseph Martinez, Richard Lopez, and Robert Harris of the Homicide Bureau were also present to conduct the criminal investigation.

The summary of this incident is based on information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Homicide Bureau case package. **Refer to Exhibit A**

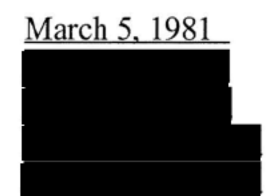
<u>INVOLVED PERSONNEL:</u>

<u>HOWLAND,</u> Herbert L., Deputy, # [redacted]
<u>CHIVAS,</u> Robert J., Deputy, # [redacted]
[redacted], Deputy, # [redacted]
<u>LEOS,</u> Andrew J., Deputy, # [redacted]
<u>BASH,</u> Alan L., Deputy, # [redacted]
<u>JEWETT,</u> Douglas F., Deputy, # [redacted]
Temple Station
Field Operations Region I

<u>EMPLOYEE WORK HISTORY:</u>

<u>HOWLAND,</u> Herbert L.

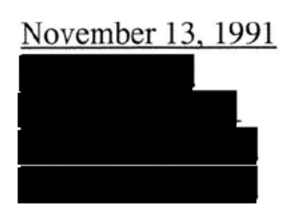
Date of Employment: <u>March 5, 1981</u>
Date assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:



<u>CHIVAS,</u> Robert J.

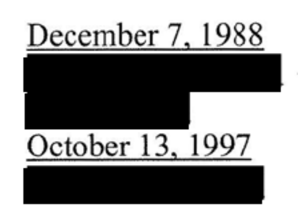
Date of Employment: December 21, 1988
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: October 15, 2000
Prior Founded Force Incidents: [redacted]

[redacted]



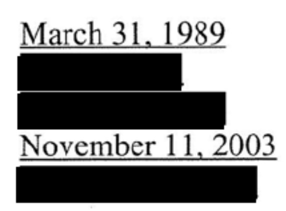
Date of Employment: November 13, 1991
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

<u>LEOS,</u> Andrew J.



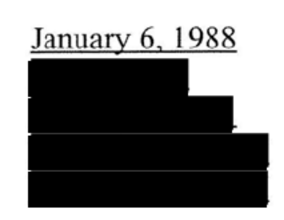
Date of Employment: December 7, 1988
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: October 13, 1997
Prior Founded Force Incidents: [redacted]

<u>BASH,</u> Alan L.



Date of Employment: March 31, 1989
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: November 11, 2003
Prior Founded Force Incidents: [redacted]

<u>JEWETT,</u> Douglas F.



Date of Employment: January 6, 1988
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT:

RIVERA, Cruz M/H/48 **(Deceased)**

Suspect Rivera's criminal history indicates [redacted] **Refer to Exhibit A, Pages 135 through 146 for Suspect Rivera's Criminal Record.**

WITNESSES:

Sworn:
Deputy Waldi Tawdi
Deputy Tim Alsky
Deputy Andrew Sandor

Civilian:
[redacted]

INJURIES:

Suspect Cruz Rivera received multiple gunshot wounds to his abdomen, upper torso, right arm, left upper leg and right buttock. Suspect Rivera died as a result of the multiple gunshot wounds.

No deputies were injured during this incident.

PHYSICAL EVIDENCE:

Several expended shell casings were located at the scene, along with other various evidence items. **Refer to Exhibit A, Page 48 through 54 and Page 57 through 61 for the list of physical evidence and the location of each item. Also review Page 49 for the Scene Diagram.**

INVESTIGATOR OBSERVATIONS:

The specific scene location of the shooting was in the rear yard located immediately north of the scene location property's rear yard at [redacted] N. Darlington Street, South San Gabriel. The area is an expansive residential lot. **Refer to Exhibit A, Page 56 through 57 for a complete description of the area.**

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Bash fired five rounds from his duty weapon: **Beretta, Model 92FS, 9mm Luger caliber, semiautomatic pistol, Serial Number BER121308Z**

The weapon was examined, test fired, and found to be functional by Firearms Examiner James Carroll. **Refer to Exhibit A, Page 114 for the Firearms Examiner Report**

Deputy Chivas fired thirteen rounds from his issued: **AR-15 rifle, Colt Model, 5.56mm, Serial Number 1826111**

The weapon was examined, test fired, and found to be functional by Firearms Examiner James Carroll. **Refer to Exhibit A, Page 115 for the Firearms Examiner Report**

Deputy Howland fired sixteen rounds from his duty weapon: **Beretta, Model 92F, 9mm Luger caliber, semiautomatic pistol, Serial Number BER047787Z**

The weapon was examined, test fired, and found to be functional by Firearms Examiner James Carroll. **Refer to Exhibit A, Page 114 for the Firearms Examiner Report**

Deputy Leos fired eight rounds from his duty weapon: **Beretta, Model 92FS Brigadier, 9mm Luger caliber, semiautomatic pistol, Serial Number BER377773**

The weapon was examined, test fired, and found to be functional by Firearms Examiner James Carroll. **Refer to Exhibit A, Page 114 for the Firearms Examiner Report**

Deputy [redacted] fired ten rounds from his duty weapon: **Beretta, Model 92F, 9mm Luger caliber, semiautomatic pistol, Serial Number BER047848Z**

The weapon was examined, test fired, and found to be functional by Firearms Examiner James Carroll. **Refer to Exhibit A, Page 114 for the Firearms Examiner Report**

Deputy Jewett fired one round from his issued shotgun: **Ithaca, 12 gauge shotgun, Serial Number MAG870029198**

The weapon was examined, test fired, and found to be functional by Firearms Examiner James Carroll. **Refer to Exhibit A, Page 114 for the Firearms Examiner Report**

WEAPONS USED BY SUSPECT:

Smith & Wesson, revolver, Model 19, .357 caliber, blue steel finish
Dagger, double edged, "stiletto" style, with a white handle
Knife, single edged, with brown handle
Metal spear, double edged, with wood shaft

PROPERTY DAMAGE:

There were two apparent bullet strikes on the passenger side of a Cadillac (Nevada License [redacted]), which was parked south of the scene location on a concrete slab.

LIGHTING AND WEATHER CONDITIONS:

This incident occurred during the late morning hours at about 1155 hours. The weather was cloudy and drizzling rain.

CRIMINAL INVESTIGATOR/CHARGES FILED:

None-Suspect Deceased

INVOLVED EMPLOYEE'S STATEMENTS:

DEPUTY HERBERT L HOWLAND

Deputy Herbert Howland was interviewed by Homicide investigators on January 5, 2005, at 0027 hours, at Temple Station. His attorney, Helen Schwab, from Green and Shinee, was present during the interview. Additionally, the interview was recorded and summarized as follows:

Deputy Howland told Homicide investigators that at the time of the incident, he was assigned to Temple Station. He was working day shift, assigned to unit 52M. He started his shift at [redacted] hours.

Deputy Howland related that he was at the Alhambra Traffic Court at approximately 12 noon when he monitored a radio call of illegal shooting and a mentally ill man at South San Gabriel Boulevard and Darlington Street. Deputy Howland responded directly from Alhambra court to Darlington Street and San Gabriel Boulevard where he met up with Deputies Jewett and Bash.

While Deputy Howland was at the location deputies advised him that the suspect was a male Hispanic wearing all blue, last seen on the access road southbound from Darlington Street. He stated that he was at Darlington Street and San Gabriel Boulevard for approximately 10 minutes, then moved to the rear of a house that was at the southeast corner of Darlington Street and San Gabriel Boulevard. He was at that position with Deputy Jewett for approximately five minutes.

Deputy Howland believes it was at this time that Air 7 arrived on scene and began advising ground units. The air unit advised that the suspect was walking toward his truck, which was parked south of the residence at [redacted] Darlington Street. Deputy Howland, at that point wanted to improve the containment and requested that Temple City Sheriff's Station patrol units proceed to the north end of Darlington Street. Deputy Howland, along with Deputies Jewett and Bash proceeded to the north side of Darlington Street.

Deputy Howland recalled that the air unit advised that the suspect was now leaving his truck and was making his way to the house at [redacted] Darlington Street. The Air Unit requested that Deputy Howland proceed southbound on the access road leading to [redacted] Darlington Street. Deputy Howland said he took his patrol vehicle and drove southbound on the access road. He was followed by other patrol vehicles. Deputy Howland recalled that he stopped his patrol vehicle approximately [redacted] that were west of the residence at [redacted] Darlington Street.

Deputy Howland was joined at his patrol vehicle by Deputy Sandor. Deputy Sandor had an AR-15 rifle with him. While Deputies Howland and Sandor were at Deputy Howland's patrol vehicle, the air unit was advising them that the suspect was walking in and out of the residence at [redacted] Darlington Street. Deputy Howland further recalled that Deputies Chivas, [redacted] Leos and Bash came in behind him and his patrol vehicle, and moved east toward the rear of the house at [redacted]. Deputy Howland believes it was at this time that air unit was running low on fuel and they left to refuel.

While the air unit was gone, Deputy Howland observed the suspect walk down to the road which was approximately 100 feet in front of his patrol vehicle. Deputy Howland, after seeing the suspect, spoke on the public address system of his patrol vehicle. He yelled to the suspect to come to him. Deputy Howland told the suspect that he wanted to talk to him. The suspect turned toward him, smiled and literally laughed at Deputies Howland and Sandor. The suspect then walked east, back towards the direction he came from, and into the driveway between the [redacted].

Deputy Howland, after seeing the suspect, updated the other units via radio. Deputy Howland then recalled that Deputy Bash yelled to him that he had heard shots coming from inside the location. Deputy Howland maintained his position. Once again the suspect walked into the open where Deputy Howland could see him. The suspect walked to the west side of the road and placed a hat on what was possibly a stick that was in the ground.

Once again Deputy Howland updated the other units via radio. Deputy Howland said once again that the suspect had walked eastbound toward the residence at [redacted] North Darlington Street. Deputy Howland also recalled that it was at that time he heard Deputy Leos say via radio, that the suspect had a gun and some other type of weapon. Deputy Howland told investigators that the suspect walked back and forth in and out of view approximately three or four times, while he (Deputy Howland) was at that position on the access road. Deputy Howland said that each time the suspect would reveal himself, he would yell commands to the suspect. The suspect did not comply with his

commands.

Deputy Howland stated that shortly after seeing the suspect for the third or fourth time the air unit arrived back on scene. Deputy Howland recalled that the last time he had seen the suspect prior to the air unit returning to the scene, the suspect walked to the western edge of the access road and placed a cap on a piece of rebar that was stuck in the ground. Deputy Howland also observed something in the suspect's hand when the suspect turned and walked eastbound for the last time.

The air unit that had arrived back on scene gave an update that the suspect was now in the rear or east side of the two-story structure at [redacted] North Darlington Street. The air unit once again advised deputies via radio that the suspect was walking south toward his truck. The air unit, at this point recommended that the deputies at the south end of the containment take a position of cover.

Deputy Howland then recalled that the air unit told the deputies, who were north of the residence at [redacted] Darlington Street, to tighten their containment by moving southward. Deputy Howland explained that the reason for the move was so that the suspect could not re - enter the two story residence and obtain a position of advantage over the deputies.

Deputy Howland, based on the information received from the air unit, believed that the suspect was moving south, so he (Howland) walked east onto the walkway between the [redacted]. Deputy Howland turned south and moved to the front of the two-story house at [redacted] Darlington Street. Deputy Howland then turned east and took a position at a gate, which was at the southeast corner of the two-story house. From that position, Deputy Howland could hear other deputies approaching from the north.

While he was at that position, Deputy Howland observed the suspect standing at the southeast corner of the cement pad, which was southeast of the two story building. Deputy Howland observed the suspect hacking at some bushes, that were on the east side of the cement pad with a spear. Deputy Howland expressed that he was surprised to see the suspect. Deputy Howland advised other deputies via radio of his observations. He began to be able to see the other deputies, who were coming from the north. He was also able to see Deputies Chivas, [redacted] and Leos.

At this point, Deputy Howland, was joined by Deputy Bash. The deputies were both at the gate which was located at the southeast corner of the residence. Deputy Howland said the gate traveled perpendicular to a north/south cement walkway on the west side of the rear yard of [redacted] Darlington Street.

Deputy Howland stated that Deputy Bash walked south through the gate. Deputy Howland then yelled to the suspect to put down the spear and walk toward him. Deputy Howland told the suspect that, "We want to talk." Deputy Howland explained that the suspect still had the spear in his hand. The suspect turned toward Deputy Howland and yelled for him to get off of his property. The suspect then took the spear and made slashing motions toward Deputy Howland. Deputy Howland

said at that point the suspect was approximately 30 feet away from him. The suspect then began to walk toward Deputies Howland and Bash. Deputy Howland said he grabbed Deputy Bash by the shoulder and they retreated north through the gate. Deputy Howland believed that Deputy Bash closed the gate as they retreated. Deputy Howland could hear other deputies shout and yell at the suspect.

Deputy Howland stated that he requested a Taser and Sheriff's K-9, via Sheriff's radio. He also advised that the suspect had a possible weapon in his hand that appeared to be a spear. Deputy Howland did not hear a response for his request over the radio. The suspect then walked south away from the residence, while Deputies Bash and Howland also walked south through a gate near the residence. Deputy Howland explained that he was concentrating on the suspect but had his hand on Deputy Bash's shoulder, who was in front of him. Once again, Deputy Howland gave commands for the suspect to surrender but he did not comply. Deputy Howland recalled that the suspect turned north again and again walked toward them. Deputy Howland and Deputy Bash again retreated and the suspect walked to the east/west fence between the cement pad and the backyard of the location. It should be noted that there were deputies on the north side of that fence. The suspect yelled at the deputies to get off of his property and slashed at the fence with the spear. Deputy Howland at this point believed that the suspect was out of control.

After slashing at the chainlink fence, the suspect walked south again away from the deputies. Deputy Howland believed the suspect did this same action two or three times. The final time prior to the officer involved shooting, the suspect approached the east/west chainlink fence. He stopped approximately 15 to 20 feet south of the fence and made threatening gestures with the spear. Deputy Howland maintained visual contact of the suspect and realized that the suspect had gotten rid of the spear. Deputy Howland was unsure when or how the suspect was able to get rid of the spear.

The next thing Deputy Howland recalled was that the suspect raised his shirt with his left arm exposing a gun in his waistband. Deputy Howland, at this point yelled, "417," (the code for man with a gun), three times. The suspect reached into his waistband for the gun and retrieved it with his right hand. Deputy Howland dove to his left toward a tree located on the west side of the backyard. Deputy Howland observed the suspect point the gun to the left and fire. He heard a bullet pass to his left or east of him. Deputy Howland was now crouched down at a tree and fired his 9mm service pistol six or eight times. Deputy Howland stated that the reason why he fired was that the suspect appeared to be pointing his pistol right at Deputies Chivas and [redacted] He believed that the suspect was going to shoot them and he needed to stop the attack.

Deputy Howland observed the suspect fall onto his back with the gun in his hand. While Deputy Howland was adjusting his firing position, he saw the suspect raise up in a sitting position and point his gun once again at Deputies Chivas and [redacted] Deputy Howland fired his service pistol approximately seven to eight more times trying to skip rounds off the ground and into the suspect. He stated that he tried to skip rounds because he was shooting through the chainlink fence in front of him.

Deputy Howland, then noticed that his gun was empty and hid behind the tree to reload. While he was reloading, having fired two volleys of shots, he heard a third volley of shots come from the other deputies. When he got back into firing position the suspect had released the gun and it was on the ground.

Deputy Howland remarked that while he was reloading he believed Deputy Jewett, who was standing behind him to his right, fired a shotgun. Deputy Howland stated that after the suspect was down he (Deputy Howland) and Deputies Bash and Jewett approached the suspect. Deputy Howland swept the suspect's gun away from its close proximity to the suspect with his foot so that the suspect would not be able to retrieve it. He also removed various weapons from the suspect's body and laid them on the ground. Deputy Howland could not recall who placed handcuffs on the suspect.

Deputy Howland said that approximately 25 to 30 minutes passed from the time he arrived on scene to the time of the shooting. He also believed that six to eight minutes passed from the time he first observed the suspect hacking at the bushes until the actual shooting.

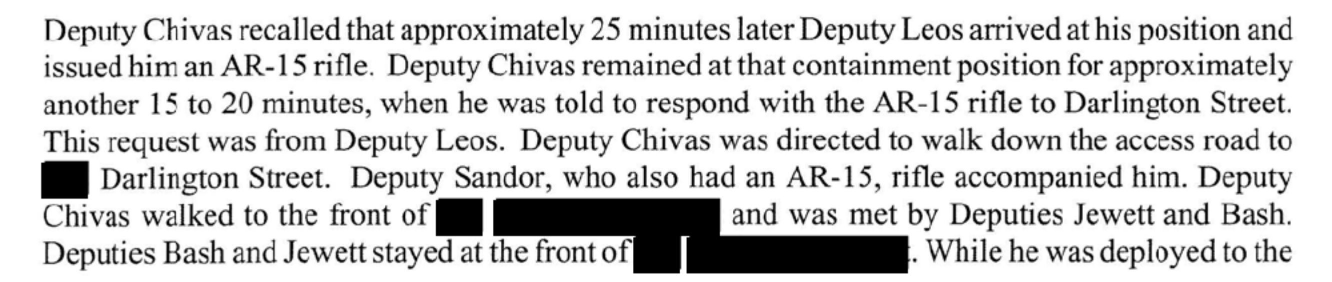
Refer to Exhibit A, Page 70 through 74 for Homicide's complete summary of Deputy Howland's interview.

DEPUTY ROBERT J. CHIVAS

Deputy Robert Chivas was interviewed by Homicide investigators on January 4, 2005, at 2347 hours, at Temple Station. His attorney, Helen Schwab, from Green and Shinee, was present during the interview. Additionally, the interview was recorded and summarized as follows:

Deputy Chivas told Homicide investigators that at the time of the incident, he was assigned to Temple Station. He was working day shift, assigned to a directed patrol team for the City of Rosemead. He was the Acting Sergeant for the team.

Deputy Chivas related that he was unsure of the time but he had monitored a radio call of a mentally ill person shooting illegally, in the area of San Gabriel Boulevard and Darlington Street. When Deputy Chivas arrived on scene he contacted the handling unit, Deputy Melikidse. Deputy Chivas was directed to take up a position of containment one street north of Darlington Street. He believed he was in the 600 block of Hazel Avenue. While he was on the containment, he monitored the radio in order to get updates regarding the situation.


Deputy Chivas recalled that approximately 25 minutes later Deputy Leos arrived at his position and issued him an AR-15 rifle. Deputy Chivas remained at that containment position for approximately another 15 to 20 minutes, when he was told to respond with the AR-15 rifle to Darlington Street. This request was from Deputy Leos. Deputy Chivas was directed to walk down the access road to [redacted] Darlington Street. Deputy Sandor, who also had an AR-15, rifle accompanied him. Deputy Chivas walked to the front of [redacted] and was met by Deputies Jewett and Bash. Deputies Bash and Jewett stayed at the front of [redacted]. While he was deployed to the

rear of that location, Deputy Chivas recalled that sometime later Deputies Bash and Leos joined him in the backyard. While Deputy Chivas was at the rear of [redacted] Street, he received updates via radio from Sheriff's helicopter Air-7, who was on scene. Deputy Chivas stated that the air unit advised them that the suspect was west of the house at [redacted] Darlington, in between the [redacted] on the west side. Deputy Chivas did say that he and his partner, Deputy [redacted] would get periodic glimpses of the suspect when he moved in and around those buildings. Deputy Chivas recalled that the aero unit requested them to tighten the containment, but prior to the deputies moving into their new position the air unit had to leave in order to refuel. While the air unit was gone, they had received updates that the suspect had gone into the house at [redacted] Darlington Street but then exited the rear of the location. He also received updates that the suspect had a spear in his hand and he was yelling in Spanish and waving it around. Deputy Chivas said he received another update that the suspect was now south of the residence of [redacted] Darlington Street standing on a cement pad.

Deputy Chivas stated that when the air unit was back on scene they advised him, Deputies Bash, Leos and [redacted] to tighten up the containment and move south in order to prevent the suspect from getting out of view. Deputy Chivas explained that he and his partner entered the rear yard of [redacted] South Darlington Street and took up a position of cover on the north side of a big tree that was located in the southeast comer. Deputy Chivas was on the west side of the tree while his partner, who is left handed, was on the east side of the tree. The suspect was on a cement pad south of their location. He had an unobstructed view of the suspect. Deputy Chivas recalled that the suspect turned toward them and walked in their direction waving a spear and screaming.

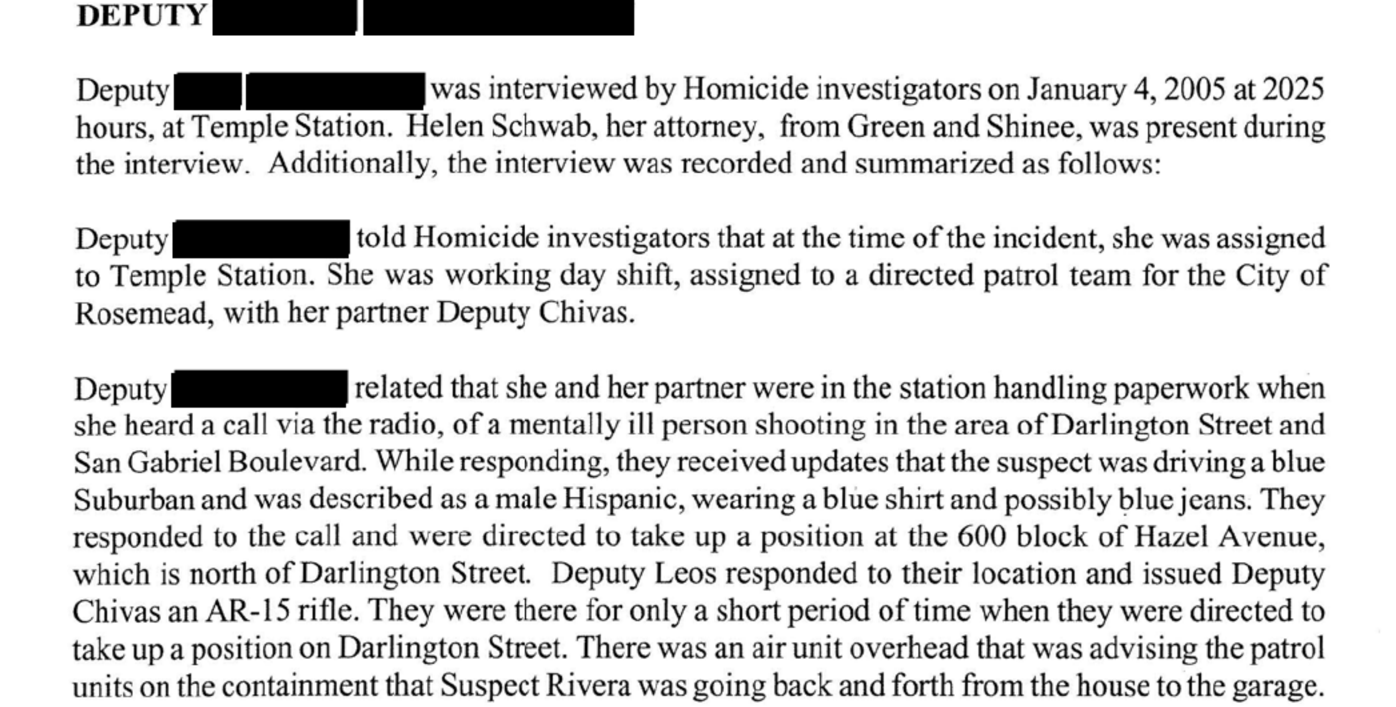
Deputy Chivas and his partner moved back when the suspect advanced. They feared that the suspect may throw the spear that he had in his hands at them. When the suspect finished yelling at the deputies, he walked back to the south end or at the southeast corner of the cement pad. In response, Deputies Chivas and [redacted] resumed their previous position at the tree. Deputy Chivas believed that the suspect advanced and they retreated two or three times. Deputy Chivas explained that every time the suspect would walk back and forth, the deputies would yell at him or give him commands to put down the spear. Deputy Chivas recalled that someone even said, "You don't want to do this."

Deputy Chivas recalled that the suspect actually went to the southeast corner of the cement pad and began to chop on some waist high bushes with the spear. The suspect, after chopping the bushes, turned around and walked toward Deputy Chivas and the other deputies. Deputy Chivas observed that the suspect did not have the spear in his possession any longer. The suspect stopped facing Deputy Chivas and without warning lifted his shirt with his left hand exposing the butt of a firearm in his waistband. The suspect then retrieved the firearm and fired one round at Deputy Chivas. Deputy Chivas, fearing for his life, fired six to eight rounds from his AR-15 rifle at the suspect. Deputy Chivas told investigators that he believed the round that the suspect fired came very close to striking him and Deputy [redacted] Deputy Chivas told investigators that the suspect was hit by gunfire and fell down onto his back.

Deputy Chivas maintained his observation of the suspect while he (the suspect) went down. The suspect immediately sat up and fired a second round in the direction of Deputy Chivas. Deputy Chivas once again returned fire with his AR-15, and believed he fired six to seven rounds. The suspect went down again, but still had his gun in his hand. Deputy Chivas then changed his position and lost sight of the suspect. While he was moving, other deputies apparently observed the suspect and fired shots at him. Deputy Chivas believed these shots were fired by the deputies who were west of him. Deputy Chivas said after the last set of shots by other deputies, the suspect released his grip on the gun and it fell to the ground. Deputy Chivas maintained a position of cover with his AR-15 rifle while other deputies went to the suspect. Deputy Chivas believed that Deputy Howland moved the suspect's gun away from the suspect's potential reach, while Deputies Leos and Bash rolled the suspect over and handcuffed him. Deputy Chivas said that when the deputies handcuffed the suspect they also removed other weapons from his person.

Investigators asked how much time passed between the time he arrived, to the time of the shooting. Deputy Chivas believes that about 30 minutes had passed between those two events. Investigators asked Deputy Chivas how much time was spent advancing and retreating with the suspect prior to the shooting. He believed that it took approximately 3 to 5 minutes before the suspect stopped advancing and fired at him. Deputy Chivas went on to explain that the suspect was approximately 25 feet away from him when he shot at Deputy Chivas.

Refer to Exhibit A, Page 67 through 69 for Homicide Bureau's complete summary of Deputy Chivas' interview.



DEPUTY [redacted]

Deputy [redacted] was interviewed by Homicide investigators on January 4, 2005 at 2025 hours, at Temple Station. Helen Schwab, her attorney, from Green and Shinee, was present during the interview. Additionally, the interview was recorded and summarized as follows:

Deputy [redacted] told Homicide investigators that at the time of the incident, she was assigned to Temple Station. She was working day shift, assigned to a directed patrol team for the City of Rosemead, with her partner Deputy Chivas.

Deputy [redacted] related that she and her partner were in the station handling paperwork when she heard a call via the radio, of a mentally ill person shooting in the area of Darlington Street and San Gabriel Boulevard. While responding, they received updates that the suspect was driving a blue Suburban and was described as a male Hispanic, wearing a blue shirt and possibly blue jeans. They responded to the call and were directed to take up a position at the 600 block of Hazel Avenue, which is north of Darlington Street. Deputy Leos responded to their location and issued Deputy Chivas an AR-15 rifle. They were there for only a short period of time when they were directed to take up a position on Darlington Street. There was an air unit overhead that was advising the patrol units on the containment that Suspect Rivera was going back and forth from the house to the garage.

Deputy [redacted] and Deputy Chivas were then directed to move south down the driveway that leads to the house ([redacted] Darlington Street) and positioned themselves near the garage. Suspect Rivera continued to walk back and forth between the house and garage. At one point Suspect Rivera came out of the garage and looked at Deputies Sandor and Bash with a bizarre smile on his face.

Deputies [redacted] and Chivas were at this position for a few minutes when they were directed by Deputy Leos to join him and take up a position in the brush, just north of the house ([redacted] Darlington Street). They remained at this position for some time because of fear of exposing themselves to the suspect. Also, they were keeping cover so as not to expose themselves to possible attack from anyone that may be inside the house.

Deputy [redacted] and the other deputies continued to receive updates via Sheriff's radio about Suspect Rivera from several Sheriff's department sources. This included receiving an update that deputies searched Suspect Rivera's vehicle and found a holster but no weapon. Based on these updates they (Deputies [redacted] Chivas, Leos, and Bash) continued to advance closer to better position themselves for a possible attack by Suspect Rivera, believing that he was still armed. They were afraid that if they lost sight of Suspect Rivera, he could break through the containment, get into the brush, double back on them or lie in wait and shoot them.

Suspect Rivera surprised them by suddenly appearing on the north side of the house, approximately thirty feet away from them. Suspect Rivera was holding a spear in his hand and was looking at them. One of the deputies yelled at Suspect Rivera to put down his spear, but Suspect Rivera ignored the commands. Instead, Suspect Rivera began walking east to the rear of the house. Suspect Rivera continued walking south through a chain link fence at the southeast end of the house, to a large cement pad. At this point, the deputies advanced closer to keep Suspect Rivera in their sight.

Deputy [redacted] took up a position of cover on the north side a large tree at the southeast corner of the house. The tree was located north of the chain link fence. Deputy [redacted] was on the east side of the tree and her partner, Deputy Chivas, was on the west side of the tree. Deputies Jewett, Howland and Bash were also in the back yard behind a large tree west of her and Deputy Chivas. From this position Deputy [redacted] had a clear view of Suspect Rivera. Suspect Rivera was acting very wild. Suspect Rivera was yelling and jabbing the spear at them as well as at the air unit. Deputy [redacted] and the other deputies were yelling at Suspect Rivera to drop the spear he was holding, but Suspect Rivera ignored their commands.

Suspect Rivera continued to yell obscenities at her and the other deputies. He began moving in a northly direction toward them, still holding the spear in his hand. Deputy [redacted] and the other deputies moved backward as Suspect Rivera advanced toward them, fearing that Suspect Rivera might try to come at them and attack them with the spear. Suspect Rivera repeatedly advance toward them, then retreated. Deputy [redacted] yelled commands at Suspect Rivera to drop his weapon. She also heard the other deputies repeatedly yelling multiple commands at Suspect Rivera, "Drop your weapon." "Get on the ground." "We don't want to hurt you." Suspect Rivera continued to ignore their commands. Suspect Rivera walked back south toward the southeast corner of the

property away from them and began chopping at the shrubs with the spear.

Deputy [redacted] went on to say that Suspect Rivera turned around and looked at her, still holding the spear in his right hand. Suspect Rivera had a wild eerie look on his face that sent a chill down her spine. Suspect Rivera was standing approximately twenty five feet away from her and she feared that he was going to throw his spear at them. Suspect Rivera turned his back to them and tossed the spear aside. It landed on the concrete cement pad.

When he turned back around toward them he lifted his jacket up with his left hand and exposed the butt of a handgun. Deputy [redacted] began yelling, "gun, gun," to alert the other deputies. She feared that Suspect Rivera was going to shoot them. Suspect Rivera reached into his waistband with his right hand, pulled out the handgun, pointed it at Deputy [redacted] and fired one round at her. Deputy [redacted] fearing for her life, fired two rounds from her Beretta 92F handgun at Suspect Rivera. Everything sounded muffled and she knew that other deputies were shooting but she does not know which of the deputies shot.

After this initial volley of shots fired, Deputy [redacted] saw that Suspect Rivera was still standing up and pointing his gun at her. She fired three more rounds at the suspect from her Beretta 92F handgun. Suspect Rivera fell to a seated position on the ground, still holding his gun in his hand as his hand fell to the ground. Suspect Rivera raised his hand, pointed his gun at Deputy [redacted] again and fired one round at her. Deputy [redacted] returned fire, firing two or three more rounds from her Beretta 92F handgun at Suspect Rivera. Suspect Rivera fell down flat on his back. Suspect Rivera, still laying on his back, raised his hand, pointed his gun at Deputy [redacted] and looked directly into her eyes. Deputy [redacted] fired approximately three more rounds from her Beretta 92F handgun.

Suspect Rivera's body went limp and his gun fell out of his hand. Deputy [redacted] reloaded her weapon and moved south to the chain link fence to provide cover for Deputies Leos and Bash, because Suspect Rivera's handgun was laying near him and he was still in possession of a knife. Deputies Leos and Bash approached Suspect Rivera, rolled him over and handcuffed him.

Deputy [redacted] stated that from the time she arrived at the scene to the time the shooting began was approximately twenty minutes. She added she believes that Suspect Rivera deliberately shot at them so they would shoot him.

Refer to Exhibit A, Page 92 through 94 for Homicide Bureau's complete summary of Deputy [redacted] interview.

DEPUTY ANDREW J. LEOS

Deputy Andrew Leos was interviewed by Homicide investigators on January 5, 2005, at 0105 hours, at Temple Station. Helen Schwab, his attorney, from Green and Shinee, was present during the

interview. Additionally, the interview was recorded and summarized as follows:

Deputy Leos told Homicide investigators that at the time of the incident, he was assigned to Temple Station. He was working day shift and was assigned as the stations training coordinator. He started his shift at [redacted] hours.

Deputy Leos related that he heard a radio call of a mentally ill man and shots fired at South San Gabriel Boulevard and Darlington Street and decided to respond to the location. Prior to leaving the station, he retrieved an AR-15 rifle, which he took with him. When Deputy Leos arrived at the scene, he contacted Deputy Chivas. Deputy Leos recalled that he heard Deputy Bash, via the radio, ask for additional deputies to respond to the north end of the access road which intersected Darlington Street. Deputy Leos responded to that location but eventually took up a position of containment with Deputy Bash at the rear of [redacted] North [redacted] Street. Deputy Leos recalled that Deputy Jewett was in the front of [redacted] Street. While at that position of containment, Deputy Leos contacted Deputy Chivas, who was also on a position of containment on the next street north of Darlington Street. He directed Deputy Chivas and his partner, Deputy [redacted] to join him at the rear yard of [redacted] Street.

Deputy Leos seemed to recall it was about that time that an air unit arrived on scene. Deputy Leos was advised by the air unit that the suspect was in the area west of the house at [redacted] Darlington Street. This update came from the air unit a couple of times. Based on that information, Deputies Chivas, Bash, [redacted] and Leos moved closer to the rear yard of [redacted] Darlington Street. They moved to the area of a pool, which is actually located on the north portion of [redacted] Darlington Street. While at that position, Deputy Leos and the others all used available cover and concealment. They were trying to observe the suspect from that position.

Deputy Leos stated that he received radio updates regarding the location of the suspect. He also told investigators that he and Deputies Chivas, Bash, [redacted] were communicating and consulting with each other in regards to tactics. Around that time Deputy Leos believed that the air unit was forced to leave in order to refuel.

Deputy Leos told investigators that he became concerned that the two story house at [redacted] Darlington Street was a threat. He was also concerned about the situation, if the suspect decided to re-enter the residence, he would have a definite position of advantage over the deputies, from the second story windows. He observed that the upstairs windows had already been broken or shot out. He also recalled that one of the updates was that a man was shooting inside that house. Based on that information, Deputy Leos had himself, Deputies Chivas, [redacted] and Bash return to their previous positions at the rear yard of [redacted] Street.

Deputy Leos stated that he believed it was about this time that the air unit returned to the scene. Deputies Chivas and Leos could see the suspect from their position, who was now on the west side of the residence at [redacted] Darlington Street. Deputy Leos changed his position so he could observe the suspect. Deputy Leos told investigators that he observed the suspect standing on the access road in front of [redacted] Darlington Street. The suspect was facing north toward the deputies, who were by a radio car. The suspect was taunting the deputies. Deputy Leos, at this time observed a handgun in the waistband of the suspect. Deputy Leos relayed that information via radio. He repeated the update because he believed his information was not going out over the radio. When the suspect disappeared back toward the residence at [redacted] Darlington Street, Deputy Leos once again moved to his previous position at the rear of [redacted] Street.

The next thing Deputy Leos remembered was that the air unit advised that the suspect had walked south of the location and was in the yard east of the residence. The suspect was walking south toward his (suspects) vehicle. Deputy Leos also heard another update that shots had been fired. Deputy Leos could now see the suspect was on the east side of the house. He observed that the suspect had a spear or some type of martial art's weapon in his hand. He also observed that the suspect walked south back toward his truck and was standing on a cement pad, which is located southeast of the residence at [redacted] Darlington Street.

Based on the suspect's position, the air unit asked the deputies on the north side to move south and tighten up the containment, so the suspect would not evade deputies. At that point Deputies [redacted] Chivas, Bash and Leos moved south into the yard behind [redacted] Darlington Street. While the deputies were moving, they received an update that the suspect was located at the southeast corner of the cement pad on the east side and he was hacking at the brush.

Deputies Chivas and Bash were now giving commands to the suspect. The suspect looked in their direction and was talking unintelligibly to them. Deputy Leos recalled that more commands were given but the suspect did not comply. Deputy Leos, updated via the radio that they were making contact with the suspect.

Deputy Leos recalled that Deputy [redacted] had taken up a position at the tree on the east side of the rear yard of [redacted] Darlington Street. Deputy Chivas was on the west side of the same tree. Deputy Leos' position was approximately 4 to 5 feet behind them. Deputy Leos believed that Deputy Howland had ended up at the west side of a tree that was located along the north/south cement walkway, west of the rear yard at [redacted] Darlington Street.

Deputy Leos recalled that the suspect was standing in the center of the cement pad raising his hand with the spear in it, mumbling unintelligibly. Deputy Leos made a request for an Arwen and stun bags, via the radio. He made the request approximately three times because he was not sure his radio

was working properly. The suspect was now yelling at the deputies and he was approximately 30 to 40 feet away from their position. Once again more commands were given to the suspect but he did not comply.

The suspect charged the east/west fence that separated the yard behind [redacted] Darlington Street from the cement pad. The suspect, after charging the fence, retreated to the center of the cement pad. Once again more commands were given by the deputies. Deputy Leos asked everyone to move back when the suspect charged the fence. He thought it would be a better idea to give the suspect more room. When the suspect returned to the center of the cement pad, everyone returned to their original positions. Deputy Leos started to change his position by moving in a southwest direction toward another tree. While he was moving to his next position, Deputy Leos believed he heard someone yell, "Gun," and then he heard gunshots coming from the deputies. Deputy Leos continued to move in a southwest direction and he looked in the direction of the suspect. He observed that the suspect had the gun in his right hand and there was smoke coming from the barrel of the gun.

Deputy Leos believed that the suspect was pointing his gun in the direction of Deputies Chivas and [redacted] Deputy Leos fired at the suspect prior to getting to his position near the tree on the west side of the yard. Deputy Leos related that he fired fearing for the safety of Deputies Chivas and [redacted]. When Deputy Leos arrived at the tree on the west side of the yard, he observed that Deputy Howland was at his right side. He also believed that Deputy Bash was further to his right but he was not exactly sure of his location. Deputy Leos also believed that Deputy Jewett was somewhere near Deputy Bash.

After arriving on the west side of the tree, Deputy Leos observed the suspect fall down. He said the suspect was on his back, then rolled over onto his side. Deputy Leos explained that even though the suspect was on his side he was facing Deputy Leos' direction. Deputy Leos stated that he observed the suspect raise his right hand while holding the gun. The suspect then fired another round in the direction of Deputies [redacted] and Chivas.

Deputy Leos explained that during his first volley he fired his AR-15 rifle approximately five shots. This time he fired three rounds but was forced to stop, fearing a crossfire between him and Deputy Howland. Deputy Leos then stepped to the west to avoid Deputy Howland. The suspect was now on the ground, still with the gun in his hand and attempting to point the gun at Deputies [redacted] and Chivas. Deputy Leos still believed that the suspect was a threat and fired one shot at him. Deputy Leos believed he hit the suspect in the upper torso with that shot. The suspect was now flat on his back, while the gun was lying on the ground approximately six inches from his right hand. After the shooting, Deputy Leos, took up a position to the south and waited for Deputies Bash and Chivas to approach the suspect. Deputy Leos believed that Deputy Howland removed the gun from the immediate area of the suspect and the suspect was handcuffed. Deputy Leos added that

he conducted a tactical reload after his last shot.

Refer to Exhibit A, Page 75 through 78 for Homicide's complete summary of Deputy Leos' interview.

DEPUTY DOUGLAS JEWETT

Deputy Douglas Jewett was interviewed by Homicide investigators on January 4, 2005, at 2126 hours, at Temple Station. His attorney, Helen Schwab, from Green and Shinee, was present during the interview. Additionally, the interview was recorded and summarized as follows:

Deputy Jewett told Homicide investigators that at the time of the incident, he was assigned to Temple Station. He was working day shift, assigned to a directed patrol team for the City of Rosemead.

Deputy Jewett related that he heard a call his via Sheriff's radio of a mentally ill person shooting a gun in the air. He responded to San Gabriel Boulevard and Darlington Street in South San Gabriel to assist with the call. He received updates via his radio that the suspect was driving a pickup truck northbound up the driveway toward Darlington Street. As the suspect approached, he saw several patrol units at the end of the driveway and began backing up his vehicle. At that point, several patrol units were then directed to position themselves at Darlington Street and San Gabriel Boulevard. Other patrol units were also directed to position themselves on San Gabriel Boulevard at the west driveway entrance. This was done to prevent the suspect from getting out of the containment.

An air unit arrived and began giving them updates of the suspect's movements, advising them that the suspect was walking in and out of the garage. He directed deputies southward down the driveway to tighten their containment of the suspect. Deputy Jewett and Deputies Bash, Howland, and Sandor walked southward down the driveway. Deputy Jewett positioned himself behind a blue station wagon that was parked in a driveway of a house north of [redacted] Darlington Street and Deputy Bash took up a position at the rear of that house. Deputies Sandor and Howland positioned themselves behind the patrol vehicle that they had parked in front of the house north of [redacted] Darlington Street.

At this point, the air unit left to refuel. Deputy Jewett observed Suspect Rivera, who was approximately one hundred feet away, walking back and forth between the house and garage. Suspect Rivera was holding a spear in his hand. Suspect Rivera did this several times and each time he did, Deputy Jewett yelled commands to Suspect Rivera to drop the spear and surrender, but Suspect Rivera ignored the commands. Deputy Jewett advised the other deputies on the containment of Suspect Rivera's movements via Sheriff's radio. Deputies Chivas, [redacted] and Leos arrived and took up a position with Deputy Bash. The air unit returned and again began updating the

deputies of Suspect Rivera's movements. The air unit had several other deputies position themselves by Suspect Rivera's vehicle. The deputies cleared the vehicle and found an empty holster.

The air unit also had Deputies Jewett, Bash, Howland, Chivas, [redacted] and Sandor tighten their containment and move closer to the house. Deputy Jewett continued receiving updates from the air unit, advising them that Suspect Rivera had exited the rear door of the house and was walking south toward his truck, which was parked at the southeast corner of the property. The air unit had them tighten their containment again. They advanced and moved to the rear (east side) of the house. This was to keep deputies from losing sight of Suspect Rivera and to prevent Suspect Rivera from getting out of the containment. Deputy Jewett then took up a position of advantage on the west side of a large tree stump. Deputies [redacted] and Chivas took up a position behind one tree east of him and Deputy Leos took up a position on the east side of the tree stump. Deputies Howland and Bash took up positions behind bushes west of him.

Deputy Jewett observed Suspect Rivera south of them at the southeast corner of the property. Suspect Rivera was approximately one hundred feet away from him and was separated from him by a three foot tall chain link fence. Suspect Rivera was chopping at the brush with the spear and yelling at them. Deputies ordered Suspect Rivera numerous times to put down the spear, but Suspect Rivera ignored their commands. Suspect Rivera walked onto a large cement pad that was also at the southeast corner of the property. Suspect Rivera continued yelling at them and began advancing north toward them, waving the spear around and acting bizarre. When Suspect Rivera advanced toward them, they moved back away from him. Suspect Rivera then retreated. Suspect Rivera did this several times and each time the deputies repositioned themselves to remain at a safe distance away from him. Deputies continued to order Suspect Rivera to drop his weapon and he refused to comply. Deputies were also requesting a Taser, stun gun and a K-9 unit to respond to their location.

Deputy Jewett went on to say he then heard one of the deputies yell, "417" (Suspect Rivera had a gun). Deputy Jewett then heard a volley of gunshots. He added that he did not initially fire his weapon (shotgun). At first he did not see the gun Suspect Rivera was holding because Deputy Howland stepped behind the tree where he was standing and directly in his (Deputy Jewett's) line of sight and fire. Deputy Jewett stepped to his right and observed Suspect Rivera laying on the ground. Suspect Rivera sat up and raised his hand and pointed his gun directly at Deputies Chivas and [redacted] Deputy Jewett, fearing that Suspect Rivera was going to shoot Deputies Chivas and [redacted] fired one round from his shotgun. He then took cover back behind the tree stump.

Deputy Jewett heard one of the deputies yell that Suspect Rivera was still holding his gun and heard approximately two or three more gunshots. Deputies Bash and Leos approached Suspect Rivera. They kicked Suspect Rivera's gun out of his reach and removed other weapons from Suspect Rivera's body, handcuffed Suspect Rivera.

Deputy Jewett told Investigators that he only fired one round from his shotgun. He did not fire his duty weapon or his backup weapon. He added that from the time he arrived on scene to the time of the shooting was approximately forty five minutes.

Refer to Exhibit A, Page 95 through 97 for Homicide's complete summary of Deputy Jewett's interview.

DEPUTY ALAN BASH

Deputy Bash has been assigned to Temple City Sheriffs Station for approximately 9 ½ years. On January 4, 2005, he was scheduled to work day shift from [redacted] hours to [redacted] hours. He was assigned to work Unit #55T1, a one deputy traffic unit in South El Monte.

Deputy Bash stated that he was on routine patrol until approximately 1145 hours when he monitored a call of a mentally ill male shooting a handgun in the vicinity of [redacted] North Darlington Street, in the unincorporated area of South San Gabriel. Deputy Bash responded to that call and stopped his vehicle at Darlington Street and South San Gabriel Boulevard. Upon arrival, he was made part of the containment and posted on the west side of the location. He was at that position for approximately half an hour when Air-7 arrived on scene.

Deputy Bash recalled that Air-7 directed him to drive his patrol vehicle south on the access road to [redacted] Darlington Street. Deputy Bash explained that the purpose of his movement was to tighten up the containment, so the suspect would not be able to get to a position of advantage against the deputies. Deputy Howland also proceeded southbound on the same access road, but he was in front of Deputy Bash. Deputies Howland and Bash were both on foot at this time.

Deputy Bash remembered that Deputy Howland stopped his vehicle north of the [redacted] that were on the west side of [redacted] Darlington. Deputy Bash stopped his vehicle behind Deputy Howland, on the same access road. Deputy Bash said that Deputy Jewett, who was on foot, went east toward the residence at [redacted].

It should be noted that [redacted] is the next house north of [redacted] Darlington Street. Deputy Bash followed Deputy Jewett to the rear of [redacted], where they took up a position of cover in order to keep the rear of the suspect's house under observation. While Deputy Bash was at the rear of that residence, he was joined by Deputies Leos, Chivas and [redacted] While Deputy Bash was at the rear of [redacted] he recalled receiving an update that the suspect was in between the residence at [redacted] and the [redacted] located to the west side. Deputy Bash recalled that one of the updates Air-7advised was that the suspect had moved to the south. As a result, the

suspect could possibly be able to hide himself under some trees and be out of view of the air unit. Based on that information Deputies Bash, Jewett, Chivas and [redacted] moved to the rear yard of [redacted] Darlington Street. From that position, Deputy Bash, could see that the suspect. He saw that the suspect, had a 2 ½ foot long spear in one of his hands and was standing on a cement pad south of the rear yard at [redacted] Darlington Street. The suspect walked to the east property line and began to chop at some large bushes with the spear.

Deputy Bash described the suspect's behavior as very agitated. The suspect yelled at the deputies, "Leave me alone and get off my property." By then, the deputies were located in the rear yard of [redacted] Darlington Street. Deputy Bash, as well as the other deputies, yelled for the suspect to drop the spear and to come to them so they could talk.

Deputy Bash explained that he became worried that the suspect may be able to walk in a southern direction and out of their containment. Deputy Bash then moved to the southwest corner of the backyard at [redacted] Darlington Street. He was joined at that location by Deputy Howland. Deputy Bash believed that Deputies Leos, [redacted] Chivas and Jewett were northeast of him. Deputy Bash, moved through a small gate that was south of him and across a cement walkway. The cement walkway ran north and south along the west edge of the rear yard at [redacted] Darlington Street. When Deputy Bash walked southbound through the gate, he observed the suspect at the southeast corner of the cement pad. Deputy Bash believed that Deputy Howland was directly behind him.

The suspect, turned back toward Deputy Bash, so Deputy Bash retreated back through the gate. Deputy Bash explained that he went back and forth through the gate two or three times. He explained that each time the suspect turned away he would go through the gate and each time the suspect turned back toward him he would back out or retreat. While Deputy Bash was going back and forth through the gate the other deputies were yelling to the suspect to drop the weapon. Deputy Bash stated that the suspect had a spear or sword in his hand and he observed a “"Kabar"” type knife on the right side of his body.

Deputy Bash recalled that prior to the shooting, the suspect was close to the east/west fence that separated the backyard at [redacted] Darlington Street and the cement pad that he was standing on. The suspect turned to the southeast and discarded his spear. The suspect then pulled up his shirt with his left hand exposing a handgun in his waist band. Deputy Bash remembered that someone yelled, "417", (the radio code for man with a gun.) The suspect then retrieved the handgun with his right hand and fired one shot in the direction of the deputies who were positioned to the east of Deputy Bash.

Deputy Bash recalled that several deputies fired at that time. Deputy Bash did not fire his weapon. He ducked down and sought concealment behind a bush that was to the west of him. He explained that he ducked down because he was the closest deputy to the suspect. Deputy Bash maintained sight of the suspect. He said the suspect appeared to have been hit by the gunfire, fell back on his buttocks and then onto his back. The suspect immediately sat up and fired one more round. Deputy Bash believed that the suspect was shooting at him. Fearing for his life, Deputy Bash, fired one or two rounds at the suspect. The suspect again fell back down onto his back. Deputy Bash maintained sight of the suspect and observed the suspect raise his head and his hand holding a gun simultaneously as if ready to fire. Fearing for his life again, Deputy Bash, fired two more rounds at the suspect. The suspect then went down onto his back again. The suspect again attempted to raise the gun in an effort to fire. Deputy Bash fired one last shot at the suspect. After firing his last shot, Deputy Bash observed the suspect's gun fall from his hand and land the ground. Sometime later Deputies Bash, Leos and Howland approached the suspect. Deputy Bash recalled that he and Deputy Leos handcuffed the suspect while Deputy Howland moved the gun away from the immediate area of the suspect. Deputy Bash added that the suspect was screaming at the deputies in Spanish, but he was unable to understand what the suspect was saying. Investigators asked Deputy Bash how much time passed between the time he arrived at the location and the time of the shooting. Deputy Bash was uncertain but he believed that it was approximately one hour.

> **IAB Note:** It should be noted that just prior to the interview with Deputy Bash it was discovered that he had activated a small cassette recorder at the scene just prior to the shooting. That recording was collected by Investigators Nava and Lopez and will be held as evidence in this incident.

Refer to Exhibit A, Page 64 through 67 for Homicide's complete summary of Deputy Bash's interview.

WITNESSES STATEMENTS:

Sworn:

DEPUTY WALID TAWDI

Deputy Tawdi was interviewed by Homicide and Internal Affairs Bureau investigators on January 5, 2005, at 1424 hours. The interview was recorded and summarized as follows:

Deputy Tawdi told investigators that at the time of the incident, he was assigned to Aero Bureau. He was working as the Air-7 pilot on the day of the incident. He started his shift at [redacted] hours.

Deputy Tawdi related that he was on his way back to Long Beach for refueling when he received word via his radio that Temple City Sheriff's Station deputies were requesting an air unit in regards to an armed mentally ill man. Deputy Tawdi stated that he arrived on scene at Darlington Street and San Gabriel Boulevard but was unsure of the exact time. Deputy Tawdi switched to the Temple City Sheriff's Station working radio frequency and talked to the Sheriff's ground units. He also spoke to an El Monte helicopter and a news helicopter. Due to his interaction with the other air units he was unable to get a complete description of the suspect. His partner, Deputy Alsky, Air-7 observer advised him that he was looking for a male with a gun.

Deputy Tawdi stated that he was approximately 400 feet above the ground making a circular motion around the scene. While he was flying, he needed to be very mindful of the power lines that were located on the south end of the [redacted] North Darlington Street. Deputy Tawdi explained that his partner, Deputy Alsky was talking to ground units when he periodically could see the suspect.

Deputy Tawdi was not sure of the exact time he was at the scene, but said that he was only there for approximately 15 minutes when he left to refuel. Prior to leaving, Deputy Tawdi recalled that the containment consisted of deputies on the 60 Freeway at a bike trail east of the river and along San Gabriel Boulevard. Deputy Tawdi returned in approximately 10 to 20 minutes, he refueled at Industry Sheriff's Station.

When Deputy Tawdi returned from refueling, he noticed that the containment had changed. He observed that there were now two deputies at the south end of the scene keeping containment by the suspect's truck. Once again Deputy Tawdi went in a circular pattern and attempted to locate the suspect. Deputy Tawdi did state that he recalled observing the suspect standing on the access road that ran north and south in front of [redacted] North Darlington Street. The suspect was facing north in the direction of a radio car that was parked on the access road.

Deputy Tawdi stated that at that time he thought it would have been an excellent opportunity to deploy the Sheriff's canine. Deputy Tawdi recalled that his partner asked for a canine via the radio. They received a reply that the dog could not be deployed.

The suspect walked back in the direction of the residence at [redacted] North Darlington Street. Deputy Tawdi lost sight of the suspect for a few minutes but then reacquired his visual on him. When they saw the suspect again, it appeared that he had something long in his hands and relayed this information to ground units. Deputy Tawdi recalled that there were delays in the sightings of the suspect due to the ground and heavy foliage. Deputy Tawdi did remember that prior to the shooting he observed the suspect at the southeast corner of a cement pad, which was southeast of the residence. The suspect was chopping at some shrubbery that was just east of the cement pad.

Deputy Tawdi stated he believed it was a prudent move to have the deputies on the north end of the containment walk south to the yard behind [redacted] North Darlington Street. Deputy Tawdi believed the suspect was possibly going to try to re-enter his truck. Deputy Tawdi said that Deputy Alsky observed the suspect standing on the cement pad and observed a muzzle flash come from the arm of the suspect. Deputy Tawdi did not see the suspect or any muzzle flash. Deputy Tawdi believed that after the muzzle flash he heard "998" broadcast over the radio.

Investigators asked Deputy Tawdi how much time passed from the time the deputies repositioned in the yard behind [redacted] Darlington Street until the time of the shooting. Deputy Tawdi guessed that approximately 10 minutes had passed. Deputy Tawdi also told Investigators that at one point prior to the shooting he could hear via the radio that deputies were yelling at the suspect for him to put up his hands. Deputy Tawdi also stated that his partner, Deputy Alsky, had alerted ground units when he saw the suspect hacking at the shrubs. Deputy Alsky had warned the units that the suspect may be stashing something in those bushes. Deputy Tawdi explained to Investigators that his partner Deputy Alsky actually had a better view, when it came to the deployment of the deputies and to the actual shooting incident.

Refer to Exhibit A, Page 78 through 80 for Homicide's complete summary of Deputy Tawdi's interview.

DEPUTY TIM ALSKY

Deputy Alsky was interviewed by Homicide and Internal Affairs Bureau investigators on January 5, 2005, at 1457 hours. The interview was recorded and is summarized as follows:

Deputy Alsky told investigators that at the time of the incident, he was assigned to Aero Bureau. He was working Air-7 as an observer on the day of the incident and he started his shift at [redacted] hours.

Deputy Alsky related that Air-7 had received a call via the radio that Temple City Sheriffs Station was requesting an air unit regarding a 5150 mentally ill male, and shots fired. Deputy Alsky was unsure of the time they arrived on scene at Darlington Street.

When Deputy Alsky arrived, the ground units advised him of the description of the suspect and his truck. Deputy Alsky observed that there was a wide containment around the location. He observed patrol vehicles on Darlington Street and Sheriff's units on San Gabriel Boulevard. He advised investigators that Deputy Tawdi put the airship in a circular orbit in order to try and locate the suspect. Deputy Alsky believed that at one point, he observed the suspect between the cement slab that was southeast of the residence at [redacted] Darlington Street and the truck, which was located at the south end. He related that information to the ground units.

Deputy Alsky believed that due to the suspect's location, he did some tightening of the containment in order to keep the suspect from leaving the area. He recalled that he placed units on a bike path on the east side of the residence. He was also concerned about the suspect possibly getting behind the deputies. Therefore, he moved a unit onto the access road which ran directly in front of [redacted] Darlington Street. He also recalled having a unit with four deputies move to the rear of the house at [redacted]. Deputy Alsky believed that he was at the scene for approximately 30 to 45 minutes before they were forced to go to Industry Sheriff's Station to refuel. The refueling took approximately 20 minutes, until they were back at the scene on Darlington Street.

Upon arrival, Deputy Alsky was once again in charge of ground units, and they were assisting him to relocate the suspect. He recalled that he observed the suspect between two small [redacted] on the west side of the residence at [redacted] Darlington Street, after he walked west from the [redacted]. The suspect crossed the access road and hung a hat or cap on the fence. Deputy Alsky then remembered that this was done prior to him leaving for refueling. Deputy Alsky also remembered that when the suspect faced the deputies who were on the access road, the suspect was waving his hands and appeared to have something in them. Deputy Alsky stated that he heard deputies yelling, "Show us your hands," over the radio. Deputy Alsky also noted that this was done prior to leaving for refueling.

Once again Deputy Alsky stated that he had periodic sightings of the suspect from his position in the helicopter. The suspect was moving in and out in between the residence and the [redacted] to the west side. Deputy Alsky said the last time he observed the suspect prior to the shooting was when the suspect was walking south across the cement pad toward his vehicle. Deputy Alsky, spoke to deputies on the north side containment, they asked him if it was safe to move south and tighten the containment. Deputy Alsky told them it was safe to move but he was not sure where exactly the deputies had stopped. He believed that the deputies were in the rear yard of [redacted] North Darlington Street. Deputy Alsky said that one of the deputies in that yard was wearing a yellow raincoat.

While Deputy Alsky was observing the suspect, he noticed that the suspect was yelling and screaming like a "crazy man." While the suspect was on the cement slab, Deputy Alsky observed a muzzle flash come from the area of the hand of the suspect. The suspect was pointing at the deputies in a northerly direction. He believed that he observed three muzzle flashes. He then observed the suspect fall on his back. While he was watching, the suspect raised up and he observed another flash come from the arm of the suspect.

Deputy Alsky said that the helicopter had flown past the incident and he had to look back. It was at that time he heard a deputy yell, "998," over the radio. By the time the helicopter rolled back around in its orbit, the shooting was over. He did observe a team of deputies approach the suspect and handcuff him.

Investigators asked Deputy Alsky how much time had passed from when he arrived on scene after refueling to the time of the shooting. He said that approximately one hour had passed. Deputy Alsky added that prior to refueling when the suspect was on the access road, he (Alsky) observed the suspect reach into his waistband and appear to adjust something. Deputy Alsky believed that the suspect was possibly adjusting a firearm in his waistband because that is where Deputy Alsky carries his gun off duty. Deputy Alsky could not recall anything further at that point, and the interview was terminated.

Refer to Exhibit A, Page 80 through 82 for Homicide's complete summary of Deputy Alsky's interview.

DEPUTY ANDREW SANDOR

Deputy Sandor was interviewed by Homicide and Internal Affairs Bureau investigators on January 4, 2005, at 1917 hours. Helen Schwab, his attorney, from the law firm of Green and Shinee, was present during the interview. The interview was recorded and summarized as follows:

Deputy Sandor told investigators that at the time of the incident, he was assigned to Temple Station. He was assigned to work a special assignment detail for the City of El Monte in Unit 55B with his partner Deputy La Piana, on the day of the incident. He started his shift at [redacted] hours.

Deputy Sandor related that he and Deputy La Piana were at El Monte City Hall handling paperwork when he heard a call of gunshots in the area of Darlington Street. They were directed to respond to Darlington Street and San Gabriel Boulevard. While responding, updates were being given via the radio, that the suspect was driving erratically down Darlington Street. When Deputy Sandor arrived at Darlington Street and San Gabriel Boulevard, he was issued an AR-15 rifle by Deputy Melikidse, who was the handling unit. He was given a description of Suspect Rivera (male Hispanic wearing blue clothes with a blue bandana around his face). He was then directed to take up a position at the north end of the driveway on Darlington Street. He was positioned there with Deputy Jewett for approximately twenty minutes. Deputy La Piana was given other instructions and directed to take up a position at a separate location.

Deputy Sandor received updates via his radio that Suspect Rivera was waving a gun around. There was an air unit (Air-7) on scene. The air unit advised deputies that Suspect Rivera was walking out of the brush on the east side of the house at [redacted] Darlington Street, and advised them to tighten their containment. The deputies had the air unit direct them in closer to the house. Deputy Sandor moved south down the driveway to the fork in the road, north of the [redacted]. Deputy Sandor positioned himself, with the AR-15 rifle, on the north side of the [redacted]. Deputy Howland was also positioned there. The air unit continued to give them updates as to Suspect Rivera's actions. The air unit advised them that the suspect was coming in and out of the garage. Suspect Rivera came out of

the garage twice, holding a large knife in his hand. Deputy Sandor was standing approximately forty to fifty yards away from Suspect Rivera.

Suspect Rivera turned toward Deputy Sandor and Deputy Howland, who was standing with him at the containment. Suspect Rivera was grinning and motioning at them while acting very bizarre. Suspect Rivera then disappeared again between the two garages. The air unit continued to update them that Suspect Rivera was moving back and forth between the two garages and the house until they (Air-7) had to leave to refuel. While the air unit was gone, Deputy Howland continued giving updates as to Suspect Rivera's movements.

The air unit returned and advised them (the deputies) that Suspect Rivera had gone back up to the house. They then advised that Suspect Rivera had walked out of the house into the backyard and was now moving south and was headed toward his truck. The air unit advised them that it was safe to tighten their containment and had them move closer to the house to make sure the suspect could not get out of their containment.

Deputy Sandor and Deputy Howland moved closer to the house and took up a position on the west side of the [redacted]. Deputy Sandor then moved around to the south end of the garage to a big tree. From that position, Deputy Sandor could see Suspect Rivera, but his view was partially obscured by some bushes. Suspect Rivera was standing at the southeast end of his property by the fence, approximately sixty to seventy yards away from Deputy Sandor. Suspect Rivera was waving his hands around and hitting the bushes with a spear. Suspect Rivera also kept looking up in the air and yelling at the air unit. Deputy Sandor could not understand what Suspect Rivera was saying. Deputy Sandor could not see the deputies that were in the backyard on the east side of the house.

Deputy Sandor could see a chain link fence between him and Suspect Rivera. He felt it was safe to move closer to Suspect Rivera. He advised Deputy Howland, and he (Deputy Sandor) took up a position on the southwest corner of the house to give himself a better position of advantage. Deputy Howland advised Deputy Sandor that he was going around to the north side of the house.

Suspect Rivera was now approximately forty to fifty feet away from Deputy Sandor. Deputy Sandor raised his weapon (AR-15 rifle) and placed the rifle's sights on Suspect Rivera. Suspect Rivera began moving in a northward direction with the spear in his hand. Suspect Rivera appeared very agitated and was waving the spear around and yelling. As Suspect Rivera moved forward, Deputy Sandor lost sight of him momentarily, because there were some bushes blocking his view. Suspect Rivera then moved back south again into Deputy Sander's view. He could no longer see Suspect Rivera's hands.

Suspect Rivera moved back and forth several times and each time he moved north Deputy Sandor lost sight of him. Deputy Sandor could hear deputies giving Suspect Rivera commands to drop the spear and lay down on the ground. Suspect Rivera was not complying with the deputies commands. Deputy Sandor also heard one of the deputies yelling for someone to get a Taser.

Deputy Sandor went on to say that he heard numerous gunshots and saw Suspect Rivera fall to the ground in a seated position, facing north. Suspect Rivera continued moving around on the ground. Deputy Sandor could not see the gun in Suspect Rivera's hand, or his hand. Deputy Sandor heard several more gunshots and saw Suspect Rivera fall back onto his back. Suspect Rivera was still moving around and he rolled over on to his side. Deputy Sandor heard a few more gunshots and Suspect Rivera finally stopped moving. Deputy Sandor was unsure who approached Suspect Rivera and handcuffed him. He (Deputy Sandor) turned and focused his attention on the house. He was unsure if there was someone possibly still inside the house. Deputy Sandor added that he did not shoot at Suspect Rivera with the AR-15 rifle and he did not remove his duty weapon from his holster. He went on to say that he did not shoot because he could not see Suspect Rivera's gun in his hand and he did not have a clear shot at Suspect Rivera.

Deputy Sandor told investigators that from the time he arrived at the scene to the time of the shooting was more than one hour. He added that from the time he moved to the southwest corner of the house to the time he heard the first set of gunshots was approximately twenty seconds. He recalled it being very quick. Deputy Sandor advised investigators that, after the shooting, he placed the AR-15 rifle back in the trunk of his patrol vehicle. When Deputy Sandor returned to the station, he placed the AR-15 rifle in the armory. Investigators were unable to make a check of the AR-15 rifle because Deputy Sandor was not sure which AR-15 rifle was issued to him. He added that he loads his duty weapon with 15 rounds in the magazine and 1 round in the chamber, for a total of 16 rounds. Investigators made a check of Deputy Sandor's duty weapon (Beretta 92F, serial number BER366687Z). Investigators observed one live round in the chamber and fifteen live rounds in the magazine. Investigators also made a check of two additional magazines that were removed from the magazine pouch of Deputy Sandor's Sam Browne. Investigators observed fifteen live rounds in each magazine.

Refer to Exhibit A, Page 89 through 91 for Homicide's complete summary of Deputy Sandor's interview.

WITNESSES STATEMENTS:

Civilian:

[redacted]

Mr. [redacted] was interviewed by Homicide and Internal Affairs Bureau investigators on January 4, 2005, at about 1605 hours, near the location of the incident. The interview was conducted in Spanish. The interview was digitally recorded and summarized as follows:

Mr. [redacted] related that he is employed to [redacted]. [redacted] he had the opportunity to meet and befriend Cruz Rivera. He became aware Cruz Rivera had mental problems and had been unstable. Cruz Rivera sought medical help and became normal again. However, about eight days ago he noticed Cruz Rivera began displaying bizarre behavior again. He noticed him acting aggressive, especially in the way he drove his pickup truck erratically through the dirt paths within the compound.

A few days previously he heard gunshots in the evening. He didn't know who had fired the gunshots until he saw Cruz shooting a gun today, January 4, 2005. He saw the muzzle flashes from the gun and noted that the gunshots were very loud. He thought the gun was of a large caliber. He was feeding the animals across from Cruz Rivera's home when he saw Cruz in front of his garage shooting his handgun. He heard several other gunshots in various areas after Cruz left from in front of the garage. He felt Cruz was walking around shooting his gun. He was frightened and didn't approach Cruz.

He saw Cruz enter his pickup truck, which was parked in front of his driveway, and speed down the driveway north to the street. Shortly thereafter, he saw Cruz drive rapidly back down the driveway and continue south past his garage. Within moments he saw police cars arrive. He tried approaching the deputies to report his observations but was told to stay back.

After the deputies moved, he lost sight of them. When he didn't hear activity, he decided to walk further south to remove himself from the area. Because it had started to rain, he took refuge under a tree where the north and south dirt road turned west to San Gabriel Boulevard. He was about 150 yards southwest of Cruz Rivera's home. A white metal shed was next to the tree. He saw a patrol car positioned on San Gabriel Boulevard at the mouth of the dirt road.

As he stood under the tree, he saw Cruz approach him southbound through the dirt road on foot. Cruz told him the police were after him and they were going to kill him. Cruz told him he was out of bullets, but he had things he could kill them with. Cruz pointed out to Mr. [redacted] a knife in a leather case on his belt, as well as a dagger. Cruz also had a wooden handled spear. He didn't see

whether or not Cruz had a handgun. Cruz began stabbing the tree with the dagger to demonstrate how he could defend himself with it. At one point Cruz stabbed the south wall of the white aluminum shed and put a hole on it. Mr. [redacted] became concerned for his own safety. In order to get away from Cruz he told him he needed to put away a horse that was getting wet by the rain.

Mr. [redacted] returned to the corral from where he had last seen the deputies on foot. He encountered another deputy and was told to stay in the corral. While he was in the corral, he saw deputies seemed to be everywhere when Cruz returned home. Shortly thereafter he heard several gunshots coming from behind Cruz' home, and felt Cruz had confronted the deputies.

He considered Cruz a friend but he was frightened of him during today's ordeal.

Refer to Exhibit A, Page 36 for Homicide's complete summary of Witness [redacted] interview.

[redacted]

Mr. [redacted] was interviewed by Homicide and Internal Affairs Bureau investigators on January 4, 2005, at about 1645 hours, near the location of the incident. The interview was recorded and summarized as follows:

Mr. [redacted] related that he arrived at the horse stables at [redacted], at approximately 0830 hours, to clean his horse's stable. He had been there for approximately forty five minutes when he saw Suspect Rivera walking around the stables. Witness [redacted] recognized Suspect Rivera as the person who was in charge of the stables. Suspect Rivera approached him and asked him if he (Witness [redacted]) needed his stable cleaned. Suspect Rivera told Witness [redacted] that he would deduct any costs from his (Witness [redacted]) rent for the stable. He spoke with Suspect Rivera for approximately three minutes.

Suspect Rivera walked out of the stables and began walking in the direction of his house, with his hands in his jacket pockets. Suspect Rivera walked around the immediate area for approximately twenty to thirty minutes. Witness [redacted] walked out of the stables into a second horse stable. He then heard one gunshot coming from the direction of Suspect Rivera's house, near the trash bin. Witness [redacted] looked out of the stables and saw Suspect Rivera was holding a handgun in his right hand at waist level, and pointing it out in front of himself (Suspect Rivera). Suspect Rivera took approximately two or three steps forward and shot the handgun several more times. The second volley was fired in the direction of the horse stables. Suspect Rivera took a few more steps and began shooting a third volley. Suspect Rivera shot the handgun more than fifteen times, but the shots were not in succession. Witness [redacted] said Suspect Rivera was walking around shooting for approximately twenty minutes.

Witness [redacted] added that Suspect Rivera was talking to himself and shooting like someone who was crazy. Witness [redacted] added that he could not hear what Suspect Rivera was saying because he (Witness [redacted]) was approximately 100 feet away from where Suspect Rivera was standing and shooting. Witness [redacted] waited until he thought it was safe and he ran to another section of the horse stables where there were more people and horses. He used his friends ([redacted]') cell phone to call 911. Witness [redacted] stayed on the telephone with the police until deputies arrived.

After the above described shootings, Witness [redacted] said that Suspect Rivera walked over to his own truck, which was parked on the property near San Gabriel Boulevard, and entered the driver door. Suspect Rivera started the truck and began revving the engine while the truck was still in the "park" position. Suspect Rivera drove his truck around the horse stables and then toward Darlington Street. He did not see Suspect Rivera drive back toward his (Suspect Rivera) house because, Witness [redacted] no longer had a view of Suspect Rivera. Witness [redacted] could hear what sounded like a vehicle's tires spinning out as though someone was trying to get away. He saw that deputies began to arrive at this point. The deputies blocked off the entrance to San Gabriel Boulevard and Darlington Street. He did not see the deputies blocking off the Darlington Street entrance until everything was over.

The deputies at the San Gabriel Boulevard entrance gestured to Witness [redacted] to stay hidden from Suspect Rivera. The deputies then began approaching Suspect Rivera's house. Witness [redacted] never saw the deputies approach the house from the Darlington Street entrance because he did not have a view of them (deputies).

Witness [redacted] told Investigators that it was approximately twenty to thirty minutes after the deputies arrived and approached Suspect Rivera's house, that he heard one gunshot, followed by several gunshots coming from Suspect Rivera's house.

Witness [redacted] went on to say that Suspect Rivera was acting crazy and he was very afraid that Suspect Rivera was going to shoot him or his horses.

Refer to Exhibit A, Page 84 for Homicide's complete summary of Witness [redacted] interview.

[redacted]

Ms. [redacted] was interviewed by Homicide and Internal Affairs Bureau investigators on January 4, 2005, at about 1729 hours, near the location of the incident. The interview was recorded and summarized as follows:

Ms. [redacted] related that she was running an errand at the bank in the City of Montebello. She received a phone call on her cell phone from her [redacted] ([redacted]), who told her not to come home.

He explained to her that there was a lady (later identified as Witness [redacted]) sitting outside in their driveway, and that she had told him that her [redacted] (Suspect Rivera) was going to shoot her. Witness [redacted] became concerned for her [redacted] and asked the person ([redacted]) whom she was with, to take her back home. When they arrived she saw that the street leading to her house was blocked off by the Sheriff's Department. The deputies told her to wait at the Holiday Inn on San Gabriel Street. She advised the deputies that her [redacted] and Witness [redacted] were at her home. The deputies went to her home and removed her [redacted] and Witness [redacted] and brought them to her location at the Holiday Inn. Witnesses [redacted] and [redacted] went to Temple City Sheriff's Station to be interviewed by Investigators. While at the station waiting to be interviewed, Witness [redacted] told Witness [redacted] that Suspect Rivera was mentally ill.

Refer to Exhibit A, Page 86 for Homicide's complete summary of Witness [redacted]'s interview.

[redacted]

Ms. [redacted] was interviewed by Homicide and Internal Affairs Bureau investigators on January 4, 2005, at about 1745 hours, near the location of the incident. The interview was recorded and summarized as follows:

Ms. [redacted] related that she has known Suspect Rivera for thirteen years and has been [redacted] for eight years. She stated that in 1998, Suspect Rivera was arrested for shooting a gun over the cliff in their backyard. He was admitted to the county hospital psychiatric ward. He was later transferred to Arcadia Mental Health Facility, where he stayed for three weeks. Since that time Suspect Rivera has been under the care of a psychiatrist for Bipolar/Manic depressant mental disorder. She added that approximately one week prior to the incident, Suspect Rivera had just gone to his scheduled monthly appointment with his psychiatrist, Dr. [redacted]. Dr. [redacted] increased the amount of medication (Halidal and Defacotin) that Suspect Rivera was taking. Dr. [redacted] also scheduled a second appointment for Suspect Rivera, which had been scheduled for the day after the shooting.

Witness [redacted] added that she had gone with Suspect Rivera to his appointment. The previous week she had written a note to Dr. [redacted] advising her of Suspect Rivera's behavior and told Dr. [redacted] that possibly, she needed to change Suspect Rivera's medication. Prior to changing his medication, she told Dr. [redacted] that Suspect Rivera had become very gregarious and talkative and he had been that way since Christmas. Dr. [redacted] therefore increased Suspect Rivera's medication.

Witness [redacted] was unsure when Suspect Rivera last took his medication. The day prior to the shooting, Witness [redacted] asked Suspect Rivera if he had taken his medication. Suspect Rivera got upset at her for asking and took his bottles of medication and left the house. She does not believe that Suspect Rivera had been taking his medication for at least a week.

Approximately two weeks prior to the day of the shooting, Suspect Rivera told Witness [redacted] that he was tired of sleeping so much. He began getting up very early in the morning and cleaning out their garage and fixing it up. She went on to say that for the previous three nights, Suspect Rivera had stayed up most of the nights without any sleep.

On the day of the shooting, Suspect Rivera had been awake for most of the night, cleaning. He had also taken all of his clothes out of his drawers and removed all the bedding from his bed. At approximately 0700 hours, Witness [redacted] got up and found Suspect Rivera in the garage. When Witness [redacted] did not see his truck in the garage she asked him where it was. Suspect Rivera told her that he had gotten rid of his truck.

Witness [redacted] decided she was going to leave Suspect Rivera alone for awhile. She left at approximately 0930 hours and went to the YMCA in Whittier. She returned at approximately 1145 hours. When she pulled into the driveway she saw Suspect Rivera standing in the driveway [redacted], but he did not see her. She heard a pop (gunshot) so she slowed down. Suspect Rivera turned around and waved a handgun in the air and yelled to her, "get out of here."

Witness [redacted] pulled into the garage but left the door open. When she went inside, she saw that Suspect Rivera had left all the household doors wide open. She called a friend [redacted]) and advised him what was happening and asked him to call 911. She could hear Suspect Rivera outside talking to the dog, telling the dog not to be afraid because he was not going to hurt anyone. Witness [redacted] was walking back to the garage to leave, she saw Suspect Rivera in the work shed loading a revolver. She was unsure if Suspect Rivera saw her. She pulled out of the garage and drove to Darlington Street and pulled into the neighbor's driveway. The neighbor's [redacted]) came out of the house, asked her if she was okay, and allowed her to come inside his home and wait for the deputies to arrive. While she was there she heard two gunshots coming from the direction of her home.

Witness [redacted] spoke with the deputies when they arrived, and advised them of the kind of vehicle was Suspect Rivera drove. She looked out the window and saw a truck driving toward Darlington Street at a high rate of speed. She did not recognize the truck but she recognized Suspect Rivera driving it because he was wearing his blue/white scarf around his head. Suspect Rivera saw the approaching deputies, put his truck in reverse, and began driving the vehicle in reverse at a high rate of speed. She lost sight of the truck.

Witness [redacted] told investigators that several days ago, she had found a pamphlet about gun cleaning. She went through Suspect Rivera's belongings and found a box of bullets in Suspect Rivera's dresser drawers. She also found some bullets in Suspect Rivera's jacket pocket. She added that Suspect Rivera also owned a machete because he had become interested in knives.

Witness [redacted] went on to say that Suspect Rivera is from Guatemala, but had lived in Belize. Prior to coming to the United States he was in Guatemala and was captured by the Guatemalan Army. He was taken into the hills of Guatemala, tortured, and left for dead. Suspect Rivera had nightmares about being tortured. He took medication for the nightmares and received an extensive amount of psychiatric treatment for his illness. Several days ago, Suspect Rivera told someone (nfd) he believed that the Guatemalan soldiers were after him. When deputies arrived at this incident, she advised them that Suspect Rivera may have believed they were Guatemalan Soldiers because he was having recurring nightmares.

Refer to Exhibit A, Page 87 for Homicide's complete summary of Witness [redacted] interview.

<u>AREA CANVASS</u>

Deputies canvassed the area and spoke to several people who either witnessed the suspect prior to the shooting or only heard gunshots.

Refer to Exhibit A, Pages 37 - 40 and Pages 42 - 46 for the those witness statements.

<u>**SUSPECT STATEMENTS**</u>

SUSPECT CRUZ RIVERA

None-Suspect deceased

MISCELLANEOUS

On August 11, 2005, the Justice System Integrity Division of the Los Angeles County District Attorney's Office completed their review of this fatal shooting. They found that the deputies "use of deadly force was reasonable and necessary, and that they acted lawfully in self-defense and the defense of others."

Refer to Exhibit B-District Attorney's Letter of Opinion on Deputy-Involved Shooting.